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The Department of State has issued proposed regulations revising the J-1 Trainee/Intern Regulations to classify training programs based on the amount of prior experience an individual has rather than the type of training the individual is trying to acquire.

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## Global Edition

A Littler Mendelson Newsletter  
specifically for the Global Industry

### DOS Publishes Proposed J-1 Trainee/Intern Regulations

On April 7, 2006, the Department of State (DOS) issued proposed regulations revising the J-1 training program and creating a new intern program that eliminates the distinctions between “specialty occupations” and “non-specialty occupations”. DOS has opted to classify training programs by the amount of prior experience an individual has rather than the type of training that an individual seeks to acquire.

“Trainees” are those who have at least three years of prior work-related experience and are participating in a training program in their specific occupational field. “Interns” are foreign college or university graduates who participate in a training program within twelve months of graduating. These definitions eliminate the possibility of individuals participating in the J-1 program if they graduated more than twelve months ago and do not yet have three years of work experience. For both of these programs, DOS proposes that individuals attain a minimum TOEFL score of 550.

DOS proposes placing more stringent requirements on the use of third party trainers. Sponsors who use third party trainers must now conduct on-site visits to all third party organizations. Sponsors may use only third party trainers who have been in existence for at least three years.

There is also a proposed new form (DS-7002) that asks whether the person is a trainee or intern and about the specifics of the training or internship. This new form, which contains an individualized Training or Internship Placement Plan, must be completed prior to the issuance of the DS-2019.

If adopted, these proposed regulations would force employers to review how they use their training programs or third party trainers and how they hire interns and trainees who participate in these programs.

DOS will accept comments on the proposed regulations until June 6, 2006. Littler Global is available to assist you in voicing your concerns.